

107TH CONGRESS  
1ST SESSION

# H. R. 3205

To enhance the border security of the United States, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 1, 2001

Mr. CONYERS (for himself, Mr. GRAVES, Mr. BERMAN, and Mr. CANNON) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), International Relations, Government Reform, Ways and Means, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To enhance the border security of the United States, and  
for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Enhanced Border Se-  
5       curity Act of 2001”.

1 **SEC. 2. ACCESS TO AND COORDINATION OF LAW ENFORCE-**  
2 **MENT AND OTHER INFORMATION.**

3 (a) REPORT IDENTIFYING LAW ENFORCEMENT AND  
4 INTELLIGENCE INFORMATION.—

5 (1) REQUIREMENT FOR REPORT.—Not later  
6 than 90 days after the date of enactment of this  
7 Act, the Secretary of State, the Commissioner of Im-  
8 migration and Naturalization, and the Director of  
9 Central Intelligence shall jointly submit to the ap-  
10 propriate committees of Congress a report identi-  
11 fying the information being collected by all of the  
12 United States law enforcement agencies and the in-  
13 telligence community that is needed by the Depart-  
14 ment of State and the Immigration and Naturaliza-  
15 tion Service to screen visa applicants and applicants  
16 for admission to the United States to identify those  
17 aliens inadmissible or deportable under the Act.

18 (2) COOPERATION BY SOURCES OF INFORMA-  
19 TION.—Upon receipt of a request from the Secretary  
20 of State, the Commissioner of Immigration and Nat-  
21 uralization, the Director of Central Intelligence, or  
22 the Director of the Office of Homeland Security for  
23 assistance or cooperation in the preparation of the  
24 report under this subsection, the head of a United  
25 States law enforcement agency or the appropriate of-

1        ficial within the intelligence community shall provide  
2        the requested assistance or cooperation.

3        (b) COORDINATION PLAN.—

4            (1) REQUIREMENT FOR PLAN.—Based on the  
5        findings of the report under subsection (a), the Sec-  
6        retary of State, the Commissioner of Immigration  
7        and Naturalization, and the Director of Central In-  
8        telligence shall, not later than 120 days after the  
9        submittal of the report under that subsection, jointly  
10       develop and implement a plan that requires United  
11       States law enforcement agencies and the intelligence  
12       community to provide to the Department of State  
13       and the Immigration and Naturalization Service all  
14       information identified in the report under subsection  
15       (a) as expeditiously as practicable.

16           (2) CONSULTATION REQUIREMENT.—In the  
17        preparation and implementation of the plan under  
18        this subsection, the Secretary of State, the Commis-  
19        sioner of Immigration and Naturalization, and the  
20        Director of Central Intelligence shall consult with  
21        the appropriate committees of Congress.

22           (3) PROTECTIONS REGARDING INFORMATION  
23        AND USES THEREOF.—The plan under this sub-  
24        section shall establish conditions for using the infor-  
25        mation described in subsection (a) received by the

1 Department of State and Immigration and Natu-  
2 ralization Service—

3 (A) to limit the redissemination of such in-  
4 formation;

5 (B) to ensure that such information is  
6 used solely to determine whether to issue a visa  
7 to an alien or to determine the admissibility of  
8 alien to the United States;

9 (C) to ensure the accuracy, security, con-  
10 fidentiality, and destruction of such informa-  
11 tion;

12 (D) to protect any privacy rights of indi-  
13 viduals who are subjects of such information;

14 (E) to provide for the timely removal of  
15 obsolete or inaccurate information; and

16 (F) in a manner that protects the source  
17 and method used to acquire intelligence infor-  
18 mation as required by section 103(c)(6) of the  
19 National Security Act of 1947 (50 U.S.C. 403–  
20 3(c)(6)).

21 (c) INTEROPERABLE LAW ENFORCEMENT AND IN-  
22 TELLIGENCE DATA SYSTEM.—

23 (1) REQUIREMENT FOR INTEROPERABLE DATA  
24 SYSTEM.—Not later than one year after the com-  
25 mencement of implementation of the plan required

1 by subsection (b), the Secretary of State, the Attor-  
2 ney General, the Commissioner of Immigration and  
3 Naturalization, and the Director of Central Intel-  
4 ligence shall develop and implement a unified elec-  
5 tronic data system to provide current and immediate  
6 access to information in databases of United States  
7 law enforcement agencies and the intelligence com-  
8 munity that is relevant to determine whether to  
9 issue a visa or to determine the admissibility of an  
10 alien to the United States.

11 (2) CONSULTATION REQUIREMENT.—In the de-  
12 velopment and implementation of the data system  
13 under this subsection, the Secretary of State, the At-  
14 torney General, the Commissioner of Immigration  
15 and Naturalization, and the Director of Central In-  
16 telligence shall consult with the Director of the Of-  
17 fice of Homeland Security, the Foreign Terrorist  
18 Tracking Task Force, United States law enforce-  
19 ment agencies, and the intelligence community.

20 (3) TECHNOLOGY STANDARD.—The data sys-  
21 tem developed and implemented under this sub-  
22 section, and the databases referred to in paragraph  
23 (1), shall utilize the technology standard established  
24 pursuant to section 403(c) of the United and  
25 Strengthening America by Providing Appropriate

1 Tools Required to Intercept and Obstruct Terrorism  
2 Act of 2001.

3 (4) ACCESS TO INFORMATION IN DATA SYS-  
4 TEM.—Subject to paragraph (5), information in the  
5 data system under this subsection shall be readily  
6 and easily accessible as follows:

7 (A) To any foreign service office respon-  
8 sible for the issuance of visas.

9 (B) To any Federal agent responsible for  
10 determining the admissibility of an alien to the  
11 United States.

12 (5) LIMITATION ON ACCESS.—The Secretary of  
13 State, the Attorney General, and the Director of  
14 Central Intelligence shall establish procedures to re-  
15 strict access to intelligence information in the data  
16 system under this subsection, and the databases re-  
17 ferred to in paragraph (1), under circumstances in  
18 which such information is not to be disclosed directly  
19 to government officials under paragraph (4).

20 (d) ADDITIONAL CONSULTATION REQUIREMENTS.—  
21 In the preparation of the report required by subsection  
22 (a), and in the development and implementation of the  
23 plan required by subsection (b), the Secretary of State,  
24 the Commissioner of Immigration and Naturalization, and  
25 the Director of Central Intelligence shall consult with the

1 Director of the Office of Homeland Security and the For-  
2 eign Terrorist Tracking Task Force.

3 (e) DEFINITIONS.—In this section:

4 (1) The term “appropriate committees of Con-  
5 gress” means the following:

6 (A) The Committee on the Judiciary and  
7 the Select Committee on Intelligence of the  
8 Senate.

9 (B) The Committee on the Judiciary and  
10 the Permanent Select Committee on Intelligence  
11 of the House of Representatives.

12 (2) The term “intelligence community” has the  
13 meaning given that term in section 3(4) of the Na-  
14 tional Security Act of 1947 (50 U.S.C. 401a(4)).

15 **SEC. 3. ENSURING ADEQUATE PERSONNEL AT PORTS OF**  
16 **ENTRY AND TECHNOLOGY IMPROVEMENTS**  
17 **AT PORTS OF ENTRY AND CONSULAR POSTS.**

18 (a) FTE LIMITATION.—The Attorney General is au-  
19 thorized to waive any limitation on the number of full-  
20 time equivalent personnel assigned to the Immigration and  
21 Naturalization Service.

22 (b) INS STAFFING.—There are authorized to be ap-  
23 propriated such sums as may be necessary to meet the  
24 Immigration and Naturalization Service staffing levels es-  
25 timated as required by the current Workforce Analysis

1 Models for United States ports of entry. Such staffing  
2 level authorization shall require the necessary numbers of  
3 border patrol and inspectors payable at a GS–11 level, in-  
4 spections assistants to be paid at a GS–7 level, and the  
5 associated clerical support staff at the specified General  
6 Schedule level in such models.

7 (c) TRAINING.—There are authorized to be appro-  
8 priated such sums as may be necessary—

9 (1) to appropriately train Border Patrol per-  
10 sonnel, United States Customs Service personnel,  
11 and Immigration inspectors on an ongoing basis to  
12 ensure that their proficiency levels are acceptable to  
13 protect the borders of the United States; and

14 (2) to provide adequate continuing cross train-  
15 ing to agencies staffing the United States ports of  
16 entry to effectively and correctly apply applicable  
17 United States laws.

18 (d) UNITED STATES DEPARTMENT OF STATE; BU-  
19 REAU OF CONSULAR AFFAIRS.—There are authorized to  
20 be appropriated such sums as may be necessary—

21 (1) to implement enhanced security measures  
22 for the review of visa applicants;

23 (2) to enhance intelligence interface with  
24 United States and international intelligence informa-  
25 tion;



1 (3) to staff the associated infrastructure; and

2 (4) to provide ongoing training for consular of-  
3 ficers.

4 (e) FUNDING OF TECHNOLOGY.—

5 (1) AUTHORIZATION OF APPROPRIATIONS.—In  
6 addition to funds otherwise available for such pur-  
7 pose, there are authorized to be appropriated  
8 \$50,000,000 to the Immigration and Naturalization  
9 Service, and \$50,000,000 to the United States Cus-  
10 toms Service, for purposes of—

11 (A) making improvements in technology  
12 (including infrastructure support, computer se-  
13 curity, and information technology develop-  
14 ment) for improving border security; and

15 (B) expanding, utilizing, and improving  
16 technology at ports of entry to improve border  
17 security.

18 (2) WAIVER OF FEES.—Federal agencies in-  
19 volved in border security shall, when practicable,  
20 waive enrollment fees for technology-based programs  
21 to encourage alien participation in such programs.

22 (3) OFFSET OF INCREASES IN FEES.—The At-  
23 torney General shall, to the extent reasonable, in-  
24 crease land border fees for the issuance of arrival-  
25 departure documents to offset technology costs.

1 (f) MACHINE READABLE VISA FEES.—

2 (1) REPEAL.—Section 140(a) of the Foreign  
3 Relations Authorization Act, Fiscal Years 1994 and  
4 1995 (Public Law 103–236) is amended by striking  
5 paragraph (3).

6 (2) AMOUNT.—The machine readable visa fee  
7 charged by the Department of State initially shall be  
8 the higher of \$65 or the cost of the machine read-  
9 able visa service, as determined by the Department  
10 of State through a cost-of-service study.

11 (3) SURCHARGE.—The Department of State is  
12 authorized to charge a surcharge of \$10, in addition  
13 to the machine readable visa fee, for issuing a ma-  
14 chine readable visa in a non-machine readable pass-  
15 port.

16 (4) AVAILABILITY OF COLLECTED FEES.—  
17 Amounts collected as fees described in this sub-  
18 section shall be credited as an offsetting collection to  
19 any appropriation for the Department of State to re-  
20 cover costs of providing consular services. Amounts  
21 so credited shall be available, until expended, for the  
22 same purposes as the appropriation to which cred-  
23 ited.

1 **SEC. 4. PERIMETER NATIONAL SECURITY PROGRAM.**

2 (a) STUDY OF PERIMETER NATIONAL SECURITY  
3 PROGRAM.—The Secretary of State and the Commissioner  
4 of Immigration and Naturalization, in consultation with  
5 the Director of the Office of Homeland Security and the  
6 Foreign Terrorist Tracking Task Force, shall jointly con-  
7 duct a study of the costs, procedures, and implementation  
8 alternatives of a Perimeter National Security Program,  
9 which shall involve a review of, at least the following:

10 (1) NORTH AMERICAN NATIONAL SECURITY CO-  
11 OPERATIVE.—The feasibility of establishing a coop-  
12 erative task force of the appropriate representatives  
13 of Canada, Mexico, and the United States to estab-  
14 lish, implement, and monitor an intercountry system  
15 to evaluate and determine the admission of foreign  
16 nationals based on national security concerns, in-  
17 cluding the monitoring of the entry and exit of for-  
18 eign nationals from such countries.

19 (2) PRECLEARANCE.—A program enabling for-  
20 eign national travelers to the United States to sub-  
21 mit voluntarily to a preclearance procedure estab-  
22 lished by the Department of State and the Immigra-  
23 tion and Naturalization Service to determine wheth-  
24 er such traveler is admissible to the United States  
25 under section 212 of the Immigration and Nation-  
26 ality Act (8 U.S.C. 1182). For each traveler deter-

1        mined to be admissible under such procedure, the  
2        processing of the traveler's admission upon arrival to  
3        the United States shall be expedited upon confirma-  
4        tion of identity. In the conduct of the element of the  
5        study under this paragraph, consideration shall be  
6        given to the feasibility of expanding the preclearance  
7        program to include the preclearance both of foreign  
8        nationals traveling to Canada and foreign nationals  
9        traveling to Mexico.

10        (3) PREINSPECTION.—The number, location,  
11        and cost of establishing, staffing, and providing for  
12        the training of inspectors to be assigned to foreign  
13        preinspection facilities to determine admissibility to  
14        the United States under section 212 of the Immigra-  
15        tion and Nationality Act, including—

16                (A) the feasibility of expanding foreign  
17                preinspections to foreign nationals on flights  
18                destined for Canada and Mexico; and

19                (B) the feasibility of cross training and  
20                funding of inspectors from Canada and Mexico.

21        (4) CONDITIONS.—The measures necessary to  
22        satisfy the conditions required by section 235A(a)(5)  
23        of the Immigration and Nationality Act (8 U.S.C.  
24        1225a(a)(5)).

1 (b) REPORT.—Not later than 180 days after the date  
2 of enactment of this Act, the Secretary of State and the  
3 Commissioner of Immigration and Naturalization shall, in  
4 consultation with the Director of the Office of Homeland  
5 Security, jointly submit to the Committees on the Judici-  
6 ary of the House of Representatives and the Senate a re-  
7 port setting forth the findings of the study conducted  
8 under subsection (a).

9 (c) FUNDING.—There is authorized to be appro-  
10 priated such sums as may be necessary to carry out this  
11 section.

12 **SEC. 5. IMPLEMENTATION OF INTEGRATED ENTRY AND**  
13 **EXIT DATA SYSTEM.**

14 (a) IMPLEMENTATION OF INTEGRATED ENTRY AND  
15 EXIT SYSTEM AT PORTS OF ENTRY AND ENHANCEMENT  
16 OF SECURITY OF LAND BORDER PORTS OF ENTRY.—In  
17 light of the terrorist attacks perpetrated against the  
18 United States on September 11, 2001, the Commissioner  
19 of Immigration and Naturalization shall, in consultation  
20 with the Secretary of State, fully implement the integrated  
21 entry and exit data system for ports of entry, as specified  
22 in the Immigration and Naturalization Service Data Man-  
23 agement Improvement Act of 2000 (Public Law 106–  
24 215), with all deliberate speed and as expeditiously as  
25 practicable.

1 (b) DEVELOPMENT OF ENTRY AND EXIT SYSTEM  
2 AND ENHANCED SECURITY AT PORTS OF ENTRY.—In de-  
3 veloping the integrated entry and exit data system for the  
4 ports of entry as specified in subsection (a), the Commis-  
5 sioner of Immigration and Naturalization and the Sec-  
6 retary of State shall consider—

7 (1) implementing the Perimeter National Secu-  
8 rity Program’s implementation;

9 (2) implementing, funding, and using a tech-  
10 nology standard to confirm identity at United States  
11 ports of entry and at consular posts abroad;

12 (3) using biometric identifiers in conjunction  
13 with issuance of any arrival-departure record, any  
14 type of visa to be issued by the Department of State,  
15 and any travel document issued to an alien by either  
16 the Department of State or the Immigration and  
17 Naturalization Service;

18 (4) requiring machine readable visas and pass-  
19 ports for entry;

20 (5) creating a database containing the arrival  
21 and departure data from machine readable visas,  
22 passports, and arrival-departure records;

23 (6) integrating all security databases relevant to  
24 making an admissibility determination under section

1       212 of the Immigration and Nationality Act (8  
2       U.S.C. 1182);

3           (7) using visa issuance data from the Depart-  
4       ment of State's visa issuance database to create the  
5       initial record for travelers for whom the visa require-  
6       ments are not waived under section 214 or 217 of  
7       the Immigration and Nationality Act or any other  
8       provision of such Act; and

9           (8) implementing technologies that facilitate the  
10      cross-border movement of persons and commerce  
11      without compromising the safety and security of the  
12      United States.

13 **SEC. 6. FOREIGN SERVICE OFFICER TRAINING.**

14      (a) TRAINING.—The Secretary of State shall require  
15      that all Foreign Service officers, before undertaking to  
16      perform consular responsibilities, receive specialized train-  
17      ing in the effective screening of visa applicants who pose  
18      a potential threat to the safety or security of the United  
19      States. These officers shall be specially and extensively  
20      trained in the identification of aliens inadmissible under  
21      section 212(a)(3) (A) and (B) of the Immigration and Na-  
22      tionality Act, interagency and international intelligence  
23      communication regarding terrorists and terrorism, and  
24      cultural-sensitivity toward visa applicants.

1 (b) REPORT.—Not later than 180 days after the date  
2 of enactment of this Act, the Secretary of State shall sub-  
3 mit to Congress a report regarding the establishment of  
4 relevant training programs.

5 (c) USE OF FOREIGN INTELLIGENCE INFORMA-  
6 TION.—As an ongoing component of the training required  
7 in subsection (a), the Secretary of State shall coordinate  
8 with the Director of the Office of Homeland Security,  
9 United States law enforcement agencies, and the intel-  
10 ligence community (as defined in section 3(4) of the Na-  
11 tional Security Act of 1947 (50 U.S.C. 401a(4)), to com-  
12 pile and disseminate to the Bureau of Consular Affairs  
13 reports, bulletins, updates, and other current unclassified  
14 information relevant to terrorists and terrorism and to  
15 screening visa applicants who pose a potential threat to  
16 the safety or security of the United States.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
18 authorized to be appropriated such sums as may be nec-  
19 essary to implement this section.

20 **SEC. 7. PASSENGER MANIFEST INFORMATION.**

21 (a) IN GENERAL.—Every international commercial  
22 air carrier arriving in the United States from a foreign  
23 state shall be required to provide to the Attorney General  
24 manifest information specified in subsection (b) in ad-  
25 vance of such arrival.



1 (b) INFORMATION.—The information to be provided  
2 with respect to each person listed on the manifest may  
3 include—

- 4 (1) complete name;
- 5 (2) date of birth;
- 6 (3) citizenship;
- 7 (4) sex;
- 8 (5) passport number and country of issuance;
- 9 (6) country of residence;
- 10 (7) United States visa number, date and place  
11 of issuance, where applicable;
- 12 (8) alien registration number, where applicable;
- 13 and
- 14 (9) such other information as the Attorney  
15 General, in consultation with the Secretary of State,  
16 determines is reasonable to protect safety and na-  
17 tional security.

18 (c) REVIEW.—Information provided under this sec-  
19 tion shall be reviewed against all intelligence and law en-  
20 forcement databases available to the Attorney General.

21 (d) PROCEDURES FOR THE ELECTRONIC TRANS-  
22 MISSION OF MANIFEST INFORMATION.—Not later than  
23 January 1, 2003, every international commercial air car-  
24 rier subject to the requirements of this section shall de-

1 velop procedures to permit the electronic transmission of  
 2 manifest information required by this section.

3 **SEC. 8. FOREIGN STUDENT AND EXCHANGE VISITOR PRO-**  
 4 **GRAM.**

5 (a) DATA COLLECTION.—Section 641(c)(1) of the Il-  
 6 legal Immigration Reform and Immigrant Responsibility  
 7 Act of 1996 is amended—

8 (1) by striking “and” at the end of subpara-  
 9 graph (C);

10 (2) by striking the period at the end of sub-  
 11 paragraph (D) and inserting “; and”; and

12 (3) by adding at the end the following:

13 “(E) the date of entry and port of entry;

14 “(F) the date of the alien’s enrollment in  
 15 an approved institution of higher education,  
 16 other approved educational institution, or des-  
 17 ignated exchange visitor program in the United  
 18 States; and

19 “(G) the date of the alien’s termination of  
 20 enrollment and the reason for such termination  
 21 (including graduation, disciplinary action or  
 22 other dismissal, and failure to re-enroll).”.

23 (b) REPORTING REQUIREMENTS.—Section 641(a) of  
 24 the Illegal Immigration Reform and Immigrant Responsi-

1 bility Act of 1996 (8 U.S.C. 1372(a)) is amended by add-  
2 ing at the end the following:

3 “(3) ALIENS FOR WHOM A VISA IS RE-  
4 QUIRED.—The Attorney General, in consultation  
5 with the Secretary of State, shall establish an elec-  
6 tronic means to monitor and verify—

7 “(A) the issuance of documentation of ac-  
8 ceptance of a foreign student by an approved  
9 institution of higher education or other ap-  
10 proved educational institution, or of an ex-  
11 change visitor program participant by a des-  
12 ignated exchange visitor program;

13 “(B) the transmittal of the documentation  
14 referred to in subparagraph (A) to the Depart-  
15 ment of State for use by the Bureau of Con-  
16 sular Affairs;

17 “(C) the issuance of a visa to a foreign  
18 student or an exchange visitor program partici-  
19 pant;

20 “(D) the admission into the United States  
21 of the foreign student or exchange visitor pro-  
22 gram participant;

23 “(E) the notification to an approved insti-  
24 tution of higher education, other approved edu-  
25 cational institution, or exchange visitor program

1           that the foreign student or exchange visitor  
2           participant has been admitted into the United  
3           States;

4           “(F) the registration and enrollment of  
5           that foreign student in such approved institu-  
6           tion of higher education or other approved edu-  
7           cational institution, or the participation of that  
8           exchange visitor program in such designated ex-  
9           change visitor program, as the case may be;  
10          and

11          “(G) any other relevant act by the foreign  
12          student or exchange visitor program partici-  
13          pant, including a changing of school or des-  
14          ignated exchange visitor program and any ter-  
15          mination of studies or participation in a des-  
16          ignated exchange visitor program.

17          “(4) REPORTING REQUIREMENTS.—Not later  
18          than 15 days after the commencement of an aca-  
19          demic term of an approved institution of higher edu-  
20          cation or other approved educational institution for  
21          which documentation is issued for an alien as de-  
22          scribed in paragraph (3)(A), or the scheduled com-  
23          mencement of participation by an alien in a des-  
24          ignated exchange visitor program, as the case may  
25          be, the institution or program, respectively, shall re-

1 port to the Immigration and Naturalization Service  
2 any failure of the alien to enroll or to commence  
3 participation pursuant to the certification of that in-  
4 stitution or program.”.

5 **SEC. 9. SPECIAL PROVISION FOR CERTAIN NON-**  
6 **IMMIGRANTS.**

7 No nonimmigrant visa shall be issued to any alien  
8 from a country designated by the Secretary of State to  
9 be a state sponsor of terrorism until appropriate clear-  
10 ances are conducted on such alien and it has been deter-  
11 mined that such alien does not pose a threat to the safety  
12 or national security of the United States.

13 **SEC. 10. REVIEW OF INSTITUTIONS AND OTHER ENTITIES**  
14 **AUTHORIZED TO ENROLL OR SPONSOR CER-**  
15 **TAIN NONIMMIGRANTS.**

16 (a) PERIODIC REVIEW OF COMPLIANCE.—The Com-  
17 missioner of Immigration and Naturalization, in consulta-  
18 tion with the Secretary of Education, shall conduct peri-  
19 odic reviews of the institutions certified to receive non-  
20 immigrant students under section 101(a)(15) (F), (M), or  
21 (J) of the Immigration and Nationality Act. Each review  
22 shall determine whether the institutions are in compliance  
23 with—

1           (1) recordkeeping and reporting requirements  
2       to receive nonimmigrant students under section  
3       101(a)(15) (F), (M), or (J) of that Act; and

4           (2) recordkeeping and reporting requirements  
5       under section 641 of the Illegal Immigration Reform  
6       and Immigrant Responsibility Act of 1996 (8 U.S.C.  
7       1372).

8       (b) PERIODIC REVIEW OF SPONSORS OF EXCHANGE  
9       VISITORS.—

10           (1) REQUIREMENT FOR REVIEWS.—The Sec-  
11       retary of State shall conduct periodic reviews of the  
12       entities designated to sponsor exchange visitor pro-  
13       gram participants under section 101(a)(15)(J) of  
14       the Immigration and Nationality Act.

15           (2) DETERMINATIONS.—On the basis of reviews  
16       of entities under paragraph (1), the Secretary shall  
17       determine whether the entities are in compliance  
18       with—

19           (A) recordkeeping and reporting require-  
20       ments to receive nonimmigrant exchange visitor  
21       program participants under section  
22       101(a)(15)(J) of the Immigration and Nation-  
23       ality Act; and

24           (B) recordkeeping and reporting require-  
25       ments under section 641 of the Illegal Immigra-

tion Reform and Immigrant Responsibility Act  
of 1996 (8 U.S.C. 1372).

(c) EFFECT OF FAILURE TO COMPLY.—Failure of an  
institution or other entity to comply with the record-  
keeping and reporting requirements to receive non-  
immigrant students or exchange visitor program partici-  
pants under section 101(a)(15) (F), (M), or (J) of the  
Immigration and Nationality Act, or section 641 of the  
Illegal Immigration Reform and Immigrant Responsibility  
Act of 1996 (8 U.S.C. 1372), may, at the election of the  
Commissioner of Immigration and Naturalization, result  
in the termination of the institution’s approval to receive  
such students or the termination of the other entity’s des-  
ignation to sponsor exchange visitor program participants,  
as the case may be.

**SEC. 11. TREATMENT OF IMMIGRATION INSPECTORS AS  
LAW ENFORCEMENT OFFICERS OF FEDERAL  
RETIREMENT PROGRAMS.**

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section  
8331 of title 5, United States Code, is amended—

(1) in paragraph (20), by inserting “, and an  
immigration inspector” after “administrative posi-  
tion” in the first sentence;

(2) by striking “and” at the end of paragraph  
(27)(B);

1           (3) by striking the period at the end of para-  
2 graph (28) and inserting “; and”; and

3           (4) by adding at the end the following:

4           “(29) ‘immigration inspector’ means—

5                   “(A) an employee in a position in the Im-  
6 migration and Naturalization Service the prin-  
7 cipal duties of which are to control and guard  
8 the boundaries and borders of the United  
9 States against illegal entry of aliens at ports of  
10 entry; and

11                   “(B) an employee of the Immigration and  
12 Naturalization Service who is serving in a su-  
13 pervisory or administrative position to which  
14 the employee was transferred from a position  
15 described in subparagraph (A).”.

16       (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—

17 Section 8401 of title 5, United States Code, is amended—

18           (1) in paragraph (17)—

19                   (A) by striking “and” at the end of sub-  
20 paragraph (C);

21                   (B) by striking the period at the end of  
22 subparagraph (D) and inserting “; and”; and

23                   (C) by adding at the end the following new  
24 subparagraph:

25                   “(E) an immigration inspector;”;



1           (2) by striking “and” at the end of paragraph  
2       (33);

3           (3) by striking the period at the end of para-  
4       graph (34) and inserting “; and”; and

5           (4) by adding at the end the following new  
6       paragraph

7           “(35) ‘immigration inspector’ means—

8                   “(A) an employee in a position in the Im-  
9                   migration and Naturalization Service the prin-  
10                  cipal duties of which are to control and guard  
11                  the boundaries and borders of the United  
12                  States against illegal entry of aliens at ports-of-  
13                  entry; and

14                   “(B) an employee of the Immigration and  
15                   Naturalization Service who is serving in a su-  
16                   pervisory or administrative position to which  
17                   the employee was transferred directly from a  
18                   position described in subparagraph (A) after  
19                   having served in such a position for at least  
20                   three years.”.

21       (c) EFFECTIVE DATE AND APPLICABILITY.—

22           (1) IN GENERAL.—The amendments made by  
23       this section shall—

1 (A) shall take effect on the first day of the  
 2 first applicable pay period that begins on or  
 3 after the date of the enactment of this Act; and

4 (B) shall apply with respect to service per-  
 5 formed on or after such effective date.

6 (2) SUPERVISORS AND ADMINISTRATORS.—In  
 7 the administration of paragraph (1)(B), a person  
 8 serving in a supervisory or administrative position as  
 9 described in section 8331(29)(B) or 8401(35)(B) of  
 10 title 5, United States Code, on the effective date of  
 11 this Act shall be treated as serving in a law enforce-  
 12 ment officer position beginning on such date for the  
 13 purposes of subchapter III of chapter 83 of such  
 14 title and chapter 84 of such title.

15 **SEC. 12. CERTAIN BORDER CROSSING IDENTIFICATION**  
 16 **CARDS.**

17 (a) EXTENSION OF DEADLINE FOR PRESEN-  
 18 TATION.—Section 104(b)(2) of the Illegal Immigration  
 19 Reform and Immigrant Responsibility Act of 1996 (8  
 20 U.S.C. 1101 note) is amended by striking “5 years” and  
 21 inserting “6 years”.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
 23 authorized to be appropriated for the Immigration and  
 24 Naturalization Service such sums as may be necessary for  
 25 the Service to purchase and implement the technology for

1 electronically reading border crossing identification cards  
2 and for access to appropriate databases.

3 **SEC. 13. REPEAL OF TIME LIMITATION ON INSPECTIONS.**

4       Section 286(g) of the Immigration and Nationality  
5 Act (8 U.S.C. 1356(g)) is amended by striking “, within  
6 forty-five minutes of their presentation for inspection,”.

○